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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,765	10/25/2000	Bob Lamoureux	W0001-006001	3130

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/696,765

Applicant(s)

LAMOUREUX

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) 5-7, 11-15, 19-23, 25 and 27-31 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 8-10, 16-18, 24 and 26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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***Election/Restrictions***

Claims 5,6,7,11-15,19-23,25, 27-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/9/04 and 12/23/04.

***Specification***

The disclosure is objected to because of the following informalities: On page 1, the cross reference to related applications fails to identify same by filing date, serial no. if available and inventors to properly effect the incorporation..

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4,8,9,10,16, 17,18,24,26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, a personal profile is defined which is associated with a set of values. But a step of somehow associating the values with the bundles appears necessary in order to invoke step of including values as part of the bundles as set forth in the second paragraph of the claim.

Claim 8 is confusing as it does not define one single form of presentation.

Claim 16 fails to further limit the process as limited access was never previously recited.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,8,9,10,16, 17,18,24,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman '234 in view of Wacławski et al.

Bowman discloses bundles with machine readable format that includes defining a personal profile (the user's data is personal to him/her) including a set of values (attributes from attribute dictionary and /or meta-data see col. 233 lines 50 et seq. ) for a plurality of information fields.

Bowman '234 also discloses receiving information bundles from different networked users in a same machine readable format (See col. 234 line 24 data is sent in shared format , wherein the machine-readable format includes values for the plurality of information fields (values are read as the metadata and or attributes). However, Bowman '234 appear silent regarding the step of presenting at least parts of the information bundles from the different users based on the values for the plurality of fields for the information and the values for the fields for the bundles.

However, Wacławski et al. disclose presenting at least parts of the information bundles from the different users based on the values for the plurality of fields for the information and the values for the fields for the bundles ( see, e.g., data bundles are each assigned an attribute APP, and at step APP=FILESYSTEM a distinct table is created based upon parts of the data from data bearing a given value for APP. It would therefor be obvious to modify the method of Bowman'234 to include the selective data sort step of Wacławski et al. because this would allow ease of data collection based upon a single attribute and hence conserve resources,

e.g. bandwidth.

Re claim 2. The APP file is a single view file.

Re claims 3,4,8: Official notice is taken regarding the old and notorious use of customizable views of data.

Re claim 9: The creation of a Patrol Agent is read as defining an alert based at least in part on values for the information fields (Attribute APP).

Re claim 10. The system of Bowman is a web based system , thus by definition it is a remote notification method.

Re claims 17, 18. Insofar as they are definite, note Wacławski et al. disclose exclusive distribution of data to subscribers of SAS IT Service Vision.

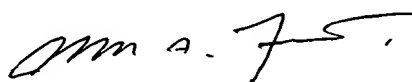
Re claim 24. Note step 320 other attributes, e.g. DATE, HOUR etc., are also provided thus additional personal profile and an additional set of values for a plurality of information fields are provided which are further presented to an output Performance Data Table for record keeping.

Re claim 26. a step of evaluating performed by bundle processing logic between the different users occurs in Bowman at col. 233 lines 50 et seq.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to

PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to read "Joseph A. Fischetti". The signature is stylized, with the first name "Joseph" written in a cursive-like script, followed by "A." and "Fischetti" in a more formal, slightly cursive style.

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